



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

ELY CITY COUNCIL REGULAR MEETING AGENDA

January 25, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. Mayor Van Camp called the regular meeting of the Ely City Council to order at **5:06 p.m.**, led in the Pledge of Allegiance, and Mayor Van Camp asked for Roll Call.

Members present:

Mayor Melody Van Camp
Councilman Ernie Flangas
Councilman Kurt Carson
Councilman Tony DeFelice
Councilwoman Jolene Gardner
Councilman Sam Hanson

City Staff present:

City Administrator Robert Switzer
City Treasurer Janette Trask
City Attorney Charles Odgers
City Assistant Fire Chief Pat Stork
Police Chief Scott Henriod
Deputy City Clerk Jennifer Lee

Also in attendance: Members of the public signed in (appears below).

PLEASE PRINT YOUR NAME
Please print your **FIRST & LAST** name clearly for the
Ely City Council attendance list. 1-25-18

Sam Johnson	
Lincoln	
Verni Dopschall	
Bob T. Bruchard	
John Ginter	
George Chacko	
JIM Alworth	
Scott Henriod	
Steve Stork	
Kay Roberts-McMurray	
Wayne McElroy	
Jana McElroy	
MIKE COSTER	
Brett North	
Leila Wells	
Carolina McIntosh	

2. PUBLIC COMMENT

Kerri Pinter stated Kerri Pinter, 1417 Mill Street, Ely. Under New Business Item 1, Re-Consideration of Mr. Bouchard's petition for partial vacation or abandonment of road or easement: Mr. Bouchard's initial request was on the August 10, 2017 agenda; how is it that almost six months in, we're still dragging Mr. Bouchard through this process unnecessarily, when in comparison at the last meeting, the initial request for Mr. Woywood's *Prospector Casino* was granted. There is no rhyme or reason to how this and past Councils are granting or denying abandonments and it appears that you are not following your own guidelines as laid out in the Ely City Code 8.1.0. I was an unwilling victim of the past Council's inconsistencies in regards to a partial abandonment request of 75 feet on Canon Street; after four painstaking months, we were denied, but following us Carl Jackson was approved. Next there was another request –the name escapes me – but the applicant was denied. Then the Council followed with an abandonment granted for Calvin Peck. Mr. Bouchard has been repeatedly denied and now the *Prospector*/Mr. Woywood is granted on his first request. Have any of us applicants been able to answer no to all seven questions indicated under ECC 8.1.0? No. It would appear we are not all receiving the treatment and consideration of our requests. Under New Business Item 2 Apeceche Trailer Park versus the City of Ely under Case No. CV-1707087 requiring the City Council to reconsider this matter: I had the opportunity to attend this court hearing on the 29th of November 2017. I was taken aback at the City's legal representative repeatedly telling Judge Maddox he was wrong in his understanding of the facts of this case; he's the judge and therefore he's not wrong, as his opinion is the only opinion on that day and time that mattered. Per the order filed on January 2, 2018, the Council is required to reconsider on the record the recommendation of the RPC to grandfather the six or seven recreational vehicles until the current occupants leave or pass away or consider some other variation of 'grandfathering' the residents of 730 Avenue C. This order should not be interpreted as a requirement that the City Council grant such a request; only that they consider the merits of the request on the record and document on the record their reason of approving or denying the request of the petitioner. What I learned from attending this hearing was the City Council and/or staff did not and does not follow through with correct documentation of decisions made during these meetings with regard to notifying the applicants of your decisions. Bottom line, the cost for the City and Ms. Labra was excessive and unnecessary. I would request that you, Madam Mayor, as well as the City Council Members exercise due diligence and come prepared to apply sound reasoning, not personal agendas when revisiting this matter and do the job you were elected to do. Under New Business Items 7 and 8 Adopting the Social Security COLA to be applied to water, sewer, and landfill rates: Do we really need to raise the monthly utility rates?

Jim Alworth read his letter appearing below into the record and stated Jim Alworth, 805 Avenue I.

January 25, 2018

Good Afternoon Mayor and Council Members;

Reading the City Treasurer report, it sounds like you may have to approve using the Budget Stabilization Fund (rainy day fund) to keep the General Fund from sinking into guardianship of White Pine County or the State of Nevada! That is why this fund was established over 20 years ago to bail out the General Fund during financial hard times. Congratulations, under this Council's leadership and with the help of Sam Hansen's past Council Crony's, Derbidge, Westlund and Setterstrom the Budget Stabilization could be wiped out.

Now what's this agenda item to transfer revenue from the Room Tax Fund into the General Fund all about? Transfer the funds and the City has to pay the County 25% of the amount transferred due to the agreement with the County for Police Protection. If you collect and transfer \$100,000 to the General Fund the County get \$25,000. Boy, how did that agreement get passed? Once again Sam and his Crony's negotiated this contract with NO OUT clause. The City Administrator reported to the City Firefighter's it was in the contract but Derbidge, Westund and Setterstrom told City Attorney Odgers to take that clause out. I understand the amount the City has to pay the County on revenues received increases over an eight year period up to 29%. Funny thing, there is no documentation or minutes that support the fact City Attorney was instructed to leave this out of the contract. What's up with this?

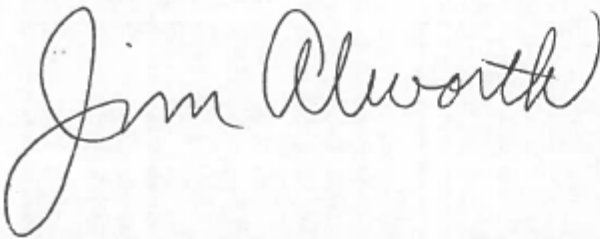
So think hard about transferring the Room Tax Revenue. The possible construction of 2 new hotels in the near future will bring in healthy building permit fees and the cost of the material to build them will increase your CTX revenue from the State. Will it be enough to bail out the General Fund, time will tell, but don't forget, you have to pay the County 25% of this additional revenue. Building permits could be close to \$100,000 and once again the County gets an easy \$25,000.

The County has a great source of revenue. The City of Ely. WOW!!!

The worst thing that is going to happen, is some City employees are likely to be laid off and according to the rumor mill, the City of Fire Department will also be cut. Way to go, I have lived in Ely for over 45 years and this is the first time I recall a lay off because of mismanagement.

So, to show the remaining employees you care about them and their families, why don't you all turn back your monthly paycheck or cash them and give the money to the employees that are likely to be laid off. Or take a 25% cut in pay!!

Jim Alworth



Steve Stork stated my name's Steve Stork. I'm before you this evening as a City of Ely resident, taxpayer and business owner. On agenda items 6, 7 and 8, I think it's going to be a mistake to put an automatic escalator on these funds. These are special revenue funds and it's my understanding that these funds need to be showing stress before you can increase the rates on them. If you do this, I'm afraid you're going to be challenged.

Deputy City Clerk Lee read the two letters appearing below into the record.

January 25, 2018

Ely City Council
501 Mill Street
Ely, NV 89301

To Ely City Councilmen:

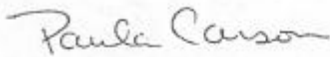
I would like to address item B. 12. on today's agenda which is to change the Day and Time of Ely City Council regular meetings to 8:30am on the second and fourth Fridays of each month.

I am opposed to the change and feel that the regular meetings should remain on Thursdays at 5:00pm. If you change to 8:30am on Fridays, many citizens will be unable to attend as their work schedules will not permit them time off. Not everyone has Friday off.

Also, you will limit the citizens who could run for a Ely City Council seat in the future. We will be limited primarily to retirees. The day and time change will restrict future office holders who could offer diversification and new ideas.

Please retain meetings on Thursdays at 5:00pm.

Sincerely,



Paula Carson

Donna Frederick
798 Mill Street
Ely, NV
(775) 289-4673
wpnative@yahoo.com
January 25, 2018

— please read into minutes

Ely City Council
Mayor and Council Members
Company Name

Madam Mayor and Ely City Council:

I am a long-time resident of the City of Ely, and a Senior Citizen on Social Security. I understand there is an agenda item regarding increasing the land fill, water and sewer bill the same percentage as the Social Security increase. REALITY CHECK!!! The increase was on paper only. Some recipients like myself saw no increase – others saw a decrease in the amount received. Those of us who pay our own supplemental insurance see an increase each year because of our age. Drug costs, drug insurance have gone up starting January 1.

What you are proposing will put more of a burden on those who are already barely making ends meet. This will hurt not only those retired on fixed incomes, but also hard-working men and women in the community trying to make ends meet while keeping kids fed, clothed, a roof over their head and in school.

The City has involved itself in needless law suits, spent money they did not have. Adding insult to injury, the lawyer you are paying a generous sum is incapable of handling these law suits. To top it off, the City turned down \$750,000 from Mr. Williams and the S&S Railroad. I, as a long-time resident, do not want to make up that loss for you.

The suggestion has been made to eliminate jobs that were created for Mr. Switzer and Mr. Odgers. Others employed by the City can do the job Switzer does and an attorney can be on contract, with no benefits, on as "as needed basis". Please consider other avenues before you place a burden on the citizens who put you in office.

Sincerely,



Donna Frederick

George Chachas stated on your agenda B-2 you're to consider the *Apeceche Trailer Park*; grandfather it in. The Park needs to be allowed to operate as it been operated historically from the inception. The City needs to stop selectively enforcing the law and that's what you're doing. You're supposed to helping business, not burying it. On your agenda Items 3-6, -7 and -8, you need to drop that consideration. You have not brought back the utility billing to the City and corrected years of mistakes in improper billing. You're considering decreasing fees for Home Occupations. You have not accounted for the thousands of dollars missing from City Hall; did you ever file a police report and a claim with your insurance? Did you receive any money from the theft? How much did you get? You have given the Railroad approximately \$150,000.00 from the Landfill enterprise fund, when they are supposedly an independent business. NRS states you may not assist a private business. NRS does not allow an enterprise fund that has more than adequate funds into holding to increase its fees, when in fact you approved \$400,000.00 in loans from that enterprise fund. You have not collected approximately fifteen years of track rental from *S & S Shortline*; no deals, we want every penny. You guys have put us on the skids and you may not look away from collecting all the money that's due this City. You failed to allow the local Shoshone Indian Colony to sell marijuana in the City, when in fact it is legal in the State of Nevada and for that privilege they offered you, the City, 3% of sales that you turned down. You were going to get 3% that you turned down and now you're coming after the citizens of this community and the seniors in particular? You have failed to get a dime for the 490 linear feet of sixteen inch steel pipe that came out of the Murry Street project, that the City Attorney took; the City should have put that pipe up for bid. New pipe costs approximately \$385.00 a foot. You're

going to tell me that used pipe had no value at all? You have a building inspector that supposed to get paid half by the City, half from the County. You went from \$54,000.00 to \$84,000.00. The salvage yard near the State highway department is not cleaning snow from the sidewalk and it is forcing people onto the roadway, a very dangerous situation. I want to remind you that there was a fatality in that general area not long ago; you need to address proper snow removal. The Planning Commission still has an individual in violation of City Code, as well as Councilman Flangas; either we have regulations or we don't.

3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.

City Attorney Odgers stated we need to remove Item 9B-2 at the request of Ms. Labra's attorney; she was unavailable today, in Carson City.

City Adminisrator Switzer stated if we could remove items B-13 and -14; there's some additional technical work that we need to do.

Councilman Hanson stated I'd suggest removing B-15 as well.

City Attorney Odgers stated I believe Mr. DeFelice and Mr. Flangas would like to remove Numbers 18 and 19 as well.

Councilman Hanson moved to approve the agenda, minus items 9B-2, 9B-13, 9B-14, 9B-15, 9B-18 and 9B-19. Councilman Carson seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

- FIRE CHIEF

Assistant Fire Chief Pat Stork reviewed the 2017 Fire Department Statistics appearing below and stated Chief Rivera is on his way to Sioux Falls, South Dakota to do the final inspection of our new fire truck; we're hoping to have delivered within thirty days.

Ely Volunteer Fire Dept. Summary for 2017

For the year 2017, The Ely Volunteer Fire Department responded to 627 calls. This is the breakdown of those calls.

City	554 total calls	
WPC	59 total calls	
Tribe	14 total calls	
<u>City</u>		
Medical	485 calls	
Fire and fire related	25 calls	
Hazmat	4 calls	
Accidents	13 calls	
Misc. (assists, LZ ect.)	27 calls	Total 554 calls
<u>WPC</u>		
Medical	22 calls	
Fire an Fire related	16 calls	
Hazmat	2 call	
Accidents	13 calls	
Misc. (assists ect.)	6 calls	Total 59 calls
<u>Tribe</u>		
Medical	10 calls	
Fires	4 calls	
Total 14 calls		

- MUNICIPAL COURT JUDGE

Judge Coster stated things are going fine operationally with the Court. I know we'll be able to address our revenues.

- CITY ADMINISTRATOR

City Administrator Switzer stated the big thing this week has been snow removal. We had two days of the County helping us with two belly dumps.

- CITY TREASURER

City Treasurer Trask read her report appearing below and stated I have talked to Susan Lewis with Taxation and they will be following this with some interest.

Date: January 19, 2018

To: Mayor VanCamp
Council Members

From: Janette Trask, City Treasurer

RE: Treasurer's Report



The past 6 months have been a blur. The audit has been the focus of most of that time. It was determined that a Single Audit was needed due to the Railroad grant of over \$750,000 that was passed through the City of Ely and a required actuarial study needed for the financial statements to determine the City's liability costs for future retirees. Both of these were required by law and not budgeted for. Working with McKay Hall, accountant for Hinton Burdick, the audit was finished on time.

Having finished with the audit, I have been reviewing the budgeted revenues and it appears the revenues will likely come in at approximately 1.9 million leaving the budget overstated by approximately \$200,000 that likely won't come in. With over 2.1 million dollars budgeted in expenses and at 50% of the fiscal year having elapsed, total expenses are at 49.5% (Grant revenues and expenses have been excluded).

At this point, if all departments spend their budgets, the General Fund would use up all the beginning fund balance leaving a deficit of approximately \$48,000. The City would still be solvent according to the State requirements due to the Budget Stabilization Fund being considered part of the General Fund that has approximately a \$135,000 fund balance. That would mean the City has dipped into its rainy day fund. This would be a huge red flag that by the next fiscal year the City could be insolvent if something is not done to control the spending and/or increase revenues.

In the last three years, the fund balance for the General Fund has been reduced by over \$630,000. According to the auditors, they have issued warnings to the Council and administration that spending needed to be addressed due to the continued reduction of the fund balance. In my opinion, no one was listening, everyone's focus seemed to be on their expense budgets, but never on the lack of revenues to cover those expenses.



Another issue that needs to be pointed out is that the Fire Department's budget wasn't budgeted properly for this fiscal year. Over \$80,000 of their operating budget was put into the Fire Protection/Street Improvement Fund when it should have been in the General Fund Fire Department budget. The Fire Protection/Street Improvement Fund was set up for funding projects or purchasing additional items for the Fire and Street Department, not to fund their day to day operations. The Fire Protection/Street Improvement Fund is also for capital items that have been purchased for the Fire Department and funds the loan payments on the ladder truck and the new ambulance. For the next fiscal year the Fire Department expenses will be put back into the General Fund, which means an increase to the General Funds expense budget. We have met with the Fire Department and they are looking for ways they can help cut their budget.

Since returning to the City, I have recommended several times to Council Members and administration that the City needs to readdress the contract with the County for police protection and the need to cut unnecessary spending. As I have also stated in memos and in person, I can give advice, but it is up to the Council and administration to take action.

Last week I talked to all the Council Members and administration to make them aware of our situation and suggested items that we can look at to get this fiscal year in a better position for year end and the years to come. There is less than six months left in this fiscal year to make the changes needed. Any action taken by the Council needs to continue into the next several fiscal years to help build a healthier ending fund balance.

I have recommended that we talk to City employees and put a notice in the local paper explaining our situation. I feel this is necessary to keep people informed and prevent the facts of the circumstances from being distorted.

If there are any questions, please contact me as soon as possible.

- CITY ATTORNEY

City Attorney Odgers stated I met with everybody last week in litigation sessions.

- CITY ENGINEER

City Engineer Almberg stated we've been doing coordination with NDOT on the Aultman Street project going on; we're meeting with them on Tuesday. We're assisting the Cemetery to create additional plots there. We're working through some Railroad right-of-way issues. NDOT will assign a person to oversee the 11th Street project and help us through the federal requirements.

City Attorney Odgers stated today I received eight pages of documents from NDOT relative to the 11th Street project; some of them will have to come back in front of the City Council for approval.

5. REPORTS

CITY COUNCIL

Councilman Hanson stated I've been in a number of meetings to bring the budget back into a more healthy ending fund balance.

Councilwoman Gardner stated same here.

Councilman DeFelice stated I'd like to set the record straight. My wife's law firm, *Jane Eberhardy Law, LLC* and Richard Sears' law firm both rent office space at the Ely Legal Complex. Richard Sears' law firm and *Jane Eberhardy Law, LLC* operate as two separate, independent firms. Richard Sears' law firm represented the *Prospector* on the matter that came before the City Council at the December 14, 2017 meeting. The fact that these two law firms rent office space in the same complex and that the Sears law firm represented the *Prospector* did not affect my decision as to how I deliberated or ultimately voted.

Councilman Flangas stated along with what Councilman DeFelice stated, I also failed to recognize the fact that I am a friend of Mr. Woywood when I voted with the allowing of the property be abandoned. I have nothing to gain by that. I have no association of any kind monetarily or otherwise. My vote was on the decision that it was a benefit to our community.

MAYOR

Mayor Van Camp reviewed her report appearing below and stated I'd like to thank the city crews on a stellar job of snow removal.

1. I approved a Special Event license to:

- Jorge De La Cerda for a breakfast at the Convention Center on 1-13-18.

6. THE CITY COUNCIL WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.

1. Chairman Peeler – Public Hearing – Discussion Only – Consideration of two Applications for Variances. The applicants, Wayne and Jana McElroy, wish to construct a Duplex on each of the properties. The locations are 593 Ogden Avenue (APN 001-041-12), AND 595 Ogden Avenue (APN 001-041-11), Ely, NV.

Mayor Van Camp handed the gavel to Mayor Pro Tem Hanson and stated I have a relationship with one of the property owners, so I'll be abstaining.

Roy Christiansen stated I have commercial property at the end of Ruby Street, my mother's home and 621 Parker Avenue. People go in there with 'semis' having a problem making that turn on Ruby and Ogden. Since the Planning Commission, Wayne explained to me he's going to have parking behind. I would like to see a red zone painted, so we can keep people from parking there, so I can get to the commercial property and my home with big equipment.

Wayne McElroy stated people are getting a single level home with a split in the middle; there's two bedrooms, 750 sq. ft. I have three apartments there, so we're only adding one. We're trying to get better people in there to rent the properties. We're not bringing in twenty-five new families.

George Chachas stated I live approximately a block away from this consideration. I think it would be a good idea. They're cleaning up a good piece of property. They've planned parking off street and on the public street, the first ten feet from the corner must be painted red. It will be a nice tax increase for everybody, including the City.

7. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.

1. Chairman Peeler – Discussion/For Possible Action – Consideration of two Applications for Variances. The applicants, Wayne and Jana McElroy, wish to construct a Duplex on each of the properties. The locations are 593 Ogden Avenue (APN 001-041-12), AND 595 Ogden Avenue (APN 001-041-11), Ely, NV.

City Attorney Odgers stated the Planning Commission recommended approval on the condition that construction begins within six months.

City Building Official Christiansen stated these are modular units, typical to the ones on Avenue C. There will be allocations for off-street parking for all four units. I talked to the Waste Water and the Road Department; they don't see an issue with this. I talked about possibly having to add another sewer/water line coming into one of the units; those can be addressed if this is approved.

Councilman Carson moved to approve a variance to Wayne and Jana McElroy on their properties at 593 and 595 Ogden for the purpose of constructing a duplex on each property, under the condition that they start construction under six months and that the City paints the curb/gutter red on Ruby and Ogden. Councilwoman Gardner seconded the motion. The motion carried unanimously.

8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY PLANNING COMMISSION.

1. Councilman Hanson – Discussion/For Possible Action – Approval of First Reading of Ordinance 709, Bill No. 2018-02 amending City Code Title 12, Chapter 14, Section 1 titled Home Occupations, to remove the annual home occupancy permit fee and amend the one-time home occupation permit application fee and remove the ability of the City Council to amend these fees by resolution.

City Attorney Odgers stated Madam Mayor and City Council, you will recall at the last meeting you instructed me to prepare these changes. The Planning Commission recommended for approval.

Councilman Hanson moved to approve the First Reading of Ordinance 709. Councilman Carson seconded the motion. The motion carried unanimously.

9. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA

MOTION: Move to approve the Consent Agenda items 9A-1 Minutes & 9A-2 Bills.

Moved by: Councilman Hanson Second by: Councilwoman Gardner Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
 - October 13, 2017
 - November 8, 2017
 - November 9, 2017
2. Discussion/For Possible Action –Bills.
 - January 12, 2018

Council Members DeFelice and Carson abstained from voting on the October 13, 2017 Minutes due to their absence. Council Members DeFelice and Flangas abstained from voting on the November 8, 2017 Minutes due to their absence. Council Members DeFelice and Flangas abstained from voting on the November 9, 2017 Minutes due to their absence.

B. NEW BUSINESS

1. Councilman Hanson – Discussion/For Possible Action – Re-Consideration of a Petition for a partial Vacation or Abandonment of Road or Easement. The proposed property abandonment is the section of roadway abutting Belfort Avenue and South Avenue, Ely, NV, APN 001-127-01. The Petitioner is Andre H. Bouchard.

City Engineer Almberg stated Carl located the manhole closest to the narrow portion of the road and he believes he can maintain it. The water line would be on the east side of the sewer line.

Councilman Hanson moved to partially abandon the section of roadway abutting Belfort Avenue and South Avenue, with the southeast corner of APN 001-127-01 staying anchored and that the northeast corner be extended east 9’6”.

City Engineer Almberg stated I don’t know that he wants 9’. I think that he just wanted his wall out of the right-of-way, so he can extend it and create a parking stall. On the alley portion of Belfort, I would run the total of his wall, so that we give the least you have to give, and then taper from 0 on South Street to a minimum width of your 50’. which minimizes the property the City’s giving up. We will write the legal description for that abandonment which will define the exact dimensions.

City Attorney Odgers stated why don’t you do it this way: Not to exceed on the alley side 9’3” and on Belfort not to narrow at the northeast corner less than 50’.

Councilman Hanson amended his motion to partially abandon the section of roadway abutting Belfort Avenue and South Avenue, not to exceed on the alley side 9’3” and on Belfort Avenue, not to narrow at the northeast corner less than 50’. Councilman Flangas seconded the motion.

Councilman Hanson’s motion carried 3 to 2, with Council Members Flangas, DeFelice and Hanson voting Aye and Council Members Carson and Gardner voting Nay.

3. Councilman Carson – City Treasurer Trask – Discussion/For Possible Action – Approval to issue back pay for duties performed by City of Ely paid Firefighters responding as volunteers on emergency calls and/or participating in required EMT re-certification training directly related to their job classification and/or as training officers conducting Fire/EMS training courses over the last two years, pursuant to the Fair Labor Standards Act.

City Treasurer Trask stated after Ross and I took FSLA (Fair Labor Standards Act) training, we came back with knowledge that we’ve been doing some things wrong.

Councilman Hanson moved to approve issuing backpay for duties performed by City of Ely paid firefighters responding as volunteers on emergency calls and/or participating in required EMT re-certification training directly related to their job classification and/or as training officers conducting Fire/EMS training courses over the last two years, pursuant to the Fair Labor Standards Act. Councilman Carson seconded the motion.

City Attorney Odgers stated I'm going to ask a modification, that those be brought back before the City Council for review.

Councilman Hanson amended his motion to reflect the same. Councilman Carson amended his second. The motion carried unanimously.

4. Councilman Carson – City Fire Chief Rivera – Discussion/For Possible Action – Approval to allow City of Ely paid Firefighters to respond to incidents as directed by the City of Ely Fire Chief, to insure public fire protection and/or life safety, and to receive overtime compensation, pursuant to the Fair Labor Standards Act.

City Treasurer Trask stated this is in conjunction with the prior one.

City Attorney Odgers stated it's going to be a matter of mandatory bargaining.

Councilman Hanson moved to allow City of Ely paid Firefighters to respond to incidents as directed by the City of Ely Fire Chief, in insure public fire protection and/or life safety, and to receive overtime compensation pursuant to the Fair Labor Standards Act. Councilman Carson seconded the motion. The motion carried unanimously.

5. Councilman Carson – City Treasurer Trask – Discussion/For Possible Action – Approval for Ely Volunteers to respond on City of Ely Emergency Medical calls as Emergency Medical Technicians (EMT's) performing as paid intermittent employees, pursuant to the Fair Labor Standards Act.

City Treasurer Trask stated our stipend we pay the EMTs is above what's allowable to be considered a volunteer. Nothing would change on the payroll. They would be considered a part-time employee. They would have to track their hours to make sure they don't qualify for PERS.

Councilman Carson stated I would also like to point out that this money is offset by the medical runs they bill out for.

City Treasurer Trask stated what we get in revenue more than covers any expenses.

Councilman Carson reviewed the “2017 Volunteer Paid/City Expenses” breakdown appearing below and stated the Volunteers purchased over \$20,000.00 of Fire Department equipment/supplies, including their own training books. Also over the last three years, they have written over half a million dollars worth of grants.

[illegible]

City Treasurer Trask stated just based off of what we budgeted for in revenue versus what we budgeted for in EMS costs, it would still put an extra \$50,000.00 in the General Fund.

Councilman Carson moved to allow Ely Volunteers to respond on City of Ely Emergency Medical calls as Emergency Medical Technicians (EMTs) performing as paid intermittent employees, pursuant to the Fair Labor Standards Act. Councilman Hanson seconded the motion.

The motion carried unanimously.

6. Councilwoman Gardner – City Administrator Switzer – Discussion/For Possible Action – Review of Business Impact Study regarding adopting the federal Social Security Cost of Living Increase to be applied to Water and Sewer rates, and/or Landfill rates and/or Business License rates, all of which would become effective February 1, 2018 and billed in March 2018, and possible determination by City Council that said rate increases will have a negligible effect upon local businesses pursuant to NRS 237.080(1)(a)(b).

City Administrator Switzer stated you have in your packet a copy of the Business Impact Survey letter sent to everyone with a business license in the City of Ely. I received five “No”s and one “Yes”.

Councilman Hanson moved to accept the Business Impact Study regarding adopting the Social Security Cost of Living Increase to be applied to Water and Sewer rates, and/or Landfill rates and/or Business License rates and to determine that said rate increases would have a negligible effect upon local businesses. Councilwoman Gardner seconded the motion. The motion failed, with all five Council Members voting Nay.

Councilman Hanson moved to remove Items 9B-7, 9B-8 and 9B-9 from the agenda. Councilman Carson seconded the motion. The motion carried unanimously.

9. Councilwoman Gardner – Discussion/For Possible Action – Approval of First Reading of Ordinance 710, Bill No. 2018-03, an Ordinance amending City Code Title 3, Chapter 1, Section 4 General Business Licenses, to change the due date of all business licenses to July 1 of each year, to allow for the pro-rating of business licenses for businesses starting on a date other than July 1 of each year.

City Treasurer Trask stated the majority of the Business License revenue comes in June. If it is due in July, we would lose that revenue in this fiscal year. I would like to look into it further.

Councilwoman Gardner moved to table this item. Councilman Carson seconded the motion. The motion carried unanimously.

10. Councilwoman Gardner – City Administrator Switzer – Discussion/For Possible Action – Approval of First Reading of Ordinance No. 708, Bill No. 2018-01, an ordinance amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.

City Administrator Switzer stated the County Commission did pass the Interlocal agreement at their last meeting; it is a cost saving measure directly impacting the General Fund. Now we spend approximately \$14,000.00 every other year. Having the County doing it will cost us approximately \$400.00. Doing this may bring out more voters.

City Attorney Odgers stated under NRS 293.115 you cannot shorten anyone’s terms. According to the Secretary of State, the only thing you can do is extend. I have walked through this with the Secretary of State. We have to extend all six of you to get everybody on that same cycle. We’re not the only city’s that’s done this. This is exactly how the City of Mesquite did it in 2016. This is how the City of Fernley did it in 2005. I have all of those ordinances, along with the Attorney General’s opinion.

Councilman Hanson moved to approve the First Reading of Ordinance 708. Councilwoman Gardner seconded the motion. The motion carried 4 to 1, with Councilman Flangas voting Nay.

11. Councilman Hanson – City Administrator Switzer – Discussion/For Possible Action – Pursuant to City Code 1-5-5 (A), Approval of Resolution 2018-01 to Change the Day and Time of the Ely City Council regular meetings to 8:30 a.m. on the second and fourth Fridays every month.

Councilman Carson stated a lot of people work four tens and take off on vacations on Friday. We could move it back to 4:00 o'clock to help a little bit.

Councilman DeFelice stated maybe Jennifer doesn't want to work after 5:00 o'clock.

Councilman Flangas moved to table this item until the next meeting. Councilman Carson seconded the motion. The motion carried unanimously.

Mayor Van Camp recessed the regular City Council meeting at 6:58 p.m.

Mayor Van Camp reconvened the regular City Council meeting at 7:08 p.m.

15. Council Members – Judge Coster – Discussion/For Possible Action – Selection and approval of a contract with *Valley Collection Service, LLC* for the collection of fines and fees ordered by the Court, but which have gone to bench warrant.

Judge Coster stated you previously approved the use of the existing City contract by the Court in November; we cannot do that because the statutory fee schedule is different. *Valley Collections* has proposed two contracts and I recommend No. 1; the City Attorney agrees. The collection cost has been assessed on every account we've turned over.

City Attorney Odgers stated when the judge issues a bench warrant, there is a \$100.00 collection fee charged under Nevada Revised Statute 176. Because we have bench warrants dating all the way back to the '80s, those all have collection fees on them. So, we have no alternative than to choose Option No. 1. because we've already added the collection costs onto them. If the \$183,000.00 that's outstanding on these bench warrants is collected, we will lose \$100.00 per bench warrant as our fee to them. In my opinion, it's a waste of time to re-issue those bench warrants to eliminate the collection fees.

Councilman Hanson moved to approve *Valley Collection Service, LLC* Version 1 contract for the collection of fines and fees ordered by Ely Municipal Court, but which have gone to bench warrant. Councilwoman Gardner seconded the motion.

City Attorney Odgers stated White Pine County District Court and Justice Court utilize this firm.

Judge Coster stated there is no expenditure of funds by the City of Ely under this contract.

Councilman Hanson's motion carried unanimously.

16. Council Members – City Administrator Switzer – Discussion/For Possible Action – Pursuant to NRS 237.080(1)(a)(b), direction to City Attorney to conduct business impact study regarding increasing house of prostitution quarterly licensing fees, as provided in Title 3 Chapter 6, Section 10 (A).

City Administrator Switzer stated it does take additional staff time each week to monitor medical certifications. My suggestion is \$500.00 for the year.

Councilman Hanson moved to direct the City Attorney to conduct a business impact study regarding increasing house of prostitution quarterly license fees. Councilwoman Gardner seconded the motion. The motion carried unanimously.

10. OPEN PERSONNEL SESSION

1. Councilman Carson - Discussion/For Possible Action – Consideration of character, alleged misconduct, professional competence, or physical or mental health of City Administrator Robert Switzer. Possible action includes, but is not limited to, termination, suspension, demotion, reduction in pay, reprimand, promotion, endorsement, engagement, retention, or “no action.”

Councilman Carson stated this is nothing personal. This is just business. I’ve heard rumors around that these are questions from the Fire Department or Janette; they’re solely mine. This is nothing to belittle Bob. It’s something we need to address and fix. This is not working any more and we cannot keep going down this path.

City Administrator Switzer reviewed his responses to Councilman Carson’s questions (appearing below) explanation #1 and stated on Question 2, the motion was to direct the attorney to draw up that resolution; Councilwoman Gardner moved, Councilman Hanson seconded and the motion passed. Upon consultation with the City Attorney subsequent to that meeting, he advised me to incorporate that rate into the resolution for the CPI rate; this was on our agenda item that was tabled. On Question 6, 25% of \$65,625.00, the two-year Campton Street lease, would have affected the General Fund.

January 25, 2018

Mayor Van Camp and Councilmembers,

Please find attached my responses to the items listed on Councilman Carson’s letter of personnel session. I hope this discussion will lead to further dialogue, especially since I have always had an open-door policy and welcome input from the Council, employees, and citizens.

Sincerely,



Robert Switzer
City Administrator

1) Explain why you overestimated General Fund revenues by \$230,000 for this fiscal year.

This explanation requires me to know with certainty the revenues will be short \$230,000 by the end of this fiscal year, June 30, 2018. Historical data is part of the budget planning process. **Exhibit 1** includes copies of our FY2017, FY2016, FY2015, and FY2014 audits showing General Fund revenues in the amount of \$2,133,640, \$2,044,333, \$2,020,500, and \$2,226,340 respectively. **Exhibit 2** is a copy of our current FY2018 General Fund revenue page with the budgeted amount of \$2,126,616. Given the revenues received each of the four years, the budgeted amount does not appear to be out of line with anticipated monies.

2) Explain why the Landfill/Scale rates are not completed after this City Council instructed you to do so; the scales are still not in service.

The Landfill/Scales rates have been established. As the Council may recall, my proposal for changing charging commercial users of the landfill was presented at the September 14, 2017, Council meeting. My analysis of our current charging by volume to one charging by weight was recommended and passed establishing a charge of \$30/ton. As my research showed, \$30/ton was very close to the break-even point on fees collected from how we charged by volume before and would be charging by weight. In specific instances, heavy volume users such as Ely Disposal would pay less for roll-off charges and would now pay for household waste which they have not been charged in the past. **Exhibit 3** is a copy of the minutes from the meeting. Upon passage of the measure, I consulted with the City Attorney on a resolution reflecting the Council's action. He advised holding off till the Council considered the CPI annual rate adjustment and business survey completed to incorporate into one resolution which was on your agenda today. As well, this action has no effect on the General Fund.

3) An explanation of why White Pine County owes us \$13,527.37 for Fire/EMS calls and why in this financial hardship, you are not trying to collect these monies.

This issue was brought to my attention two weeks ago which I discussed with the Treasurer. Apparently, the County was having issues with the review of our charges by the County Fire District administration where we were instructed by the Finance office to send the original bill. The Treasurer confirmed contact with the Finance Dept. at the County and now we will send the bill not only to the County Fire District for review, but email copies to a County Commissioner and County Finance Director. On Monday, January 22, 2018, we did receive reimbursement by check for most of the charges totaling \$11,911.16.

4) An explanation of your January 12, 2018, memo to the City Council, specifically why most of your five ideas were ways to increase fees or take monies from other funds, instead of ways to cut or save monies.

As the Council will recall, I have been sending daily memos on relevant issues of the day which could affect the City, your constituency, or both. The memos are not formal briefings, rather they are meant to be informational as a way to increase communication to elected officials,

basically a "heads-up." Apparently, there is a misunderstanding on the difference between a policy discussion and action which would need to be in an open public meeting and quick notes on daily happenings, thoughts, and ideas expressed in an informal way. The explanation also assumes that I only wanted to present ideas for raising revenue rather than a subsequent memo discussing decreasing expenditures. **Exhibit 4** is a copy of the memo.

5)An explanation of why on July 23, 2015, you did not recommend to the previous City Council not to sign an eight-year contract with no out clause for police protection, with a minimum payment of \$450,000 plus 25% of the General Fund revenue, especially considering the fact that you always allude to the General Fund being low because of the inter-local agreement for police protection.

First, the statement is inaccurate. The contract was not for \$450,000 plus 25% of the General Fund revenue which would have made the amount upwards of \$850,000 for one year. The contract reads the City would pay a minimum of \$450,000 per year or based on an increasing percentage which began at 22% of the General Fund revenue for the previous audit year. (See **Exhibit 5, pg. 13**). Second, the police contract negotiation went to mediation in Reno, NV, because the City and County could not come to terms with an agreement. But before the mediation, I made the case about the spending on proposals by the County in a January 13, 2015, negotiation meeting. (See **Exhibit 6.1**). The City was mandated by a prior court decision to have a police force and in the case of contracting with the County pay for those services. The County had made proclamations that while the mediation was for police services only, both parties would meet at a subsequent time to negotiate a fire protection agreement which ultimately did not happen. The mediated settlement was brought before the Council at its meeting on July 23, 2015 where Councilman Setterstrom stated he was "part of that negotiation and move to approve the FY16-FY22 Interlocal Agreement..." with a second by Councilman Carson. The motion passed unanimously (See **Exhibit 6.2**) The Council had an opportunity to review the negotiated agreement and seek changes if needed. Third, yes, I have been saying the police contract has been draining our General Fund resources because it has. It is our second largest source of expenditures in the General Fund with the exception of the Fire Dept. which runs at about \$750-800,000 per year. We have discussed these issues in prior budget meetings.

6)An explanation for the loss of \$652,803.00 in the General Fund from the time you were hired.

Since there was no prior directive from the Council to track the spending within the General Fund on specific items which would have been in addition to our annual audits and given the time constraints before providing this answer, I will attempt to mention a few items. First, the word "loss" should correctly be shown as "spending." "Loss" signifies funds thrown away for no reason or theft of funds whereas spending more appropriately shows approved actions. Second, I was hired in Sept. 2014 and began work in some trying circumstances including a recall election of Mayor and every councilmember, an attempt at disincorporation of the City by legislative action, the police contract negotiations, and constructing a new budget, all within

a few months. The audit for the FY14-FY15 lists an ending fund balance of \$652,838 as of June 30, 2015, and an ending fund balance of \$329,067 for FY16-FY17 ending on June 30, 2017; a difference of \$323,770. So, in the interim time period, we have had two full budget cycles with the new police contract and no fire protection contract. What historically had been a net payment of \$350-\$380,000 per year for public safety, now runs about \$490,000. Next, we had a court judgement of \$46,277.74 paid in 2016 from the General Fund. The same for legal services such as litigating the S&S Railroad issue have amounted to an additional \$67,989.50 (**Exhibit 7**). We also had a two-year lease with the Campton property which amounted to \$65,625. Then, we have Council initiatives to improve and beautify downtown which was paid for from the General Fund as well. My budget message for this fiscal year (**Exhibit 8**) states that we will need to make some tough decisions.

It should also be noted that our ending fund balance for FY2017 of \$329,067 was more than the \$92,811 required by Dept. of Taxation and spending decisions were approved by the City Council.

Councilman Carson stated Janette did not do these numbers. I did meet with Janette in her office. To me, the over-estimation in the General Fund . . .

City Administrator Switzer stated I want it on the record that my estimation of revenues is based on historical records

Councilman Hanson stated that's standard governmental practice.

Councilman Carson stated the point I'm getting at here is we've all made mistakes. We need to learn from that and fix them. Mr. Switzer has had a ring side seat to all of this and has given us little to no valuable information to form an educated opinion. Mr. Switzer needs to have an objective opinion about things and take a stance. Mr. Switzer runs this ship and he needs to advise this Council the best he can; he should be building this up and in my opinion he's not.

Councilman Hanson stated he's only done what he's been directed to do. Sometimes this body doesn't know where they want to go. Mr. Switzer has given his opinion when asked for it. We haven't always followed Mr. Switzer's recommendations. He's helped bring stability and professionalism to the City. I think the explanations Mr. Switzer has provided are satisfactory.

Councilman Carson stated I take full responsibility for the Sheriff's contract; I did second it, but if you were in Bob's position, then wouldn't you be blowing the whistle saying 'this is a bad contract'?

Councilwoman Gardner stated we were planning on the additional money from the Fire thing.

City Administrator Switzer stated we have two outs in that contract. One is to go back to negotiate. The other one is if the City of Ely has its own police force

City Attorney Odgers stated the force would have to be post-certified for the City to invoke that provision. On the Landfill, I'm not sure that the Council understands. Jennifer and I have looked for the resolutions that set the Landfill rates. My theory was to do a single resolution with the fees on it, so we would have something we could point to. I established the rates using Jolene's notebook. That was the whole reason that resolution wasn't done. The resolution should have the rates on the back. Now I'll take the two percent (2%) out, so you can approve it and our staff has a resolution.

Councilman DeFelice stated we need to change. What we're doing isn't working. If Bob's approach is that we as a Council need to be more responsible and we as a Council say Bob needs to be more responsible, we need to be clear on where we stand. If we need more guidance, we need a stronger Bob. Put this on record: To be effective, we are not effective as a group.

Councilwoman Gardner stated no, we're not.

Councilman DeFelice stated so, I say the responsibility needs to increase on Bob and us.

Councilwoman Gardner stated we need to work together.

Councilman DeFelice stated we need to work together. Our focus needs to be where we have each other's back here. I would like to see Bob stand up more and, if he's got to dig his nails in the concrete, say 'we don't have this money', 'we can't do this'. These are some of the tougher decisions that Bob's going to have to make and we make that decision based on Bob's recommendations. Janette has said we've spent hundreds of thousands of dollars. In that spending, at some point we're waiting for that alarm to go off; it didn't go off. We're discussing where we'll be in a few months to correct this. We've got to have our eyes wide open and it's going to take all of us to make some tough decisions. I don't want to be here two years later saying we let Bob spend \$300,000.00 more than we had.

Councilman Carson stated when we hired a treasurer, Bob said 'Thanks because I'm not a numbers guy'. My problem with that is, in his position how can you not be 'a numbers guy' and effectively run the City with everything we do that revolves around this budget, what comes in and what goes out?

City Administrator Switzer stated I don't believe I said I wasn't 'a numbers man'. I said "I'm not an accountant". When I was hired, I was brought on board to run the City. Nobody knew how much money we had anywhere. In a meeting in October of 2016, there was a discussion about "Should we hire a public works director or a treasurer?" The question was thrown back to me and I said what would help better for us – because we did need to get spending under control – was a Treasurer. Bruce Setterstrom said in that meeting "Bob has too much on his plate".

Councilman DeFelice stated let's say we need a new truck; before we get to that decision, let's be more responsible and say 'What do we do without? We got that truck because we really needed it, but we had to give back this, this and this or we don't get the truck'.

City Administrator Switzer stated I would also like to make sure it's on the record that even though our enterprise funds are very healthy, it doesn't mean that we can cover every unanticipated issue that comes along.

Councilwoman Gardner stated I do not want the Tour and Rec. money to hit the General Fund; I want it to stay . . . Where is it Bob?

City Administrator Switzer stated it's in the Capital Projects fund.

Councilwoman Gardner stated as a City Councilman, we should know what's going on instead of having Bob tell us. We should know what's going on by going in and talking to the man.

Councilman Carson stated I have a hard time justifying having a City Administrator. If it falls back on us, we need to spend more hours here and be responsible for our actions.

Councilman Hanson stated I don't think we have the statutory authority to do a lot of what he's doing.

Councilman Carson stated no, but if he's not going to guide us in that capacity we can take the Deputy Clerk, bump her up to Clerk and eliminate his job completely.

Deputy City Clerk Lee stated first of all, the Deputy City Clerk would have to agree and second of all, who's going to do all your public works?

Councilman Carson stated they would report directly to this Council or their liaison.

Deputy City Clerk Lee stated that takes an incredible amount of Bob's time. So whoever you choose to do that, you're going to have to compensate them and you probably need someone who knows something about public works; that is one of Bob's strengths because he's worked in a lot of professions to where he knows the terms and understands machinery. For the record, if the Council wants to continue meeting at 5:00 o'clock, I want to be here because I'm like anybody, extra money is good.

Councilman Carson moved to eliminate the City Administrator's position, move the Deputy Clerk to the Clerk position and the City Leadmen can report directly to this Council or liaisons. Councilman DeFelice seconded the motion. Council Members Carson and DeFelice voted Aye. Council Members Gardner and Hanson voted Nay.

Deputy City Clerk stated number one, this hasn't been discussed with me. I haven't agreed to this. There would be a lot of things that would need to be taken into consideration. My daughter's getting married in three weeks and I don't know if I'm willing to let my life get entirely turned upside down at this moment.

Councilman Flangas voted no.

Councilman Carson's motion did not pass, 3 to 2.

11. PUBLIC COMMENT

Kerri Pintar stated Kerri Pintar, 1417 Mill Street. Very enlightening meeting tonight. Mr. Sears used to have a table in the U and Mr. Odgers – to me sitting at the back, looking at his head – it's not you people at the Council at this meeting, everything's deferred for Mr. Odgers; he is here to advise you of your legal issues, not to make decisions. The reason you're in the financial straits that you are is because this Council is generating pending litigation in matters that didn't need to be litigated. Mr. Switzer's comments as how the City Attorney advised him to hold off on developing an ordinance . . . That's your direction for him to develop an ordinance. Who gave Mr. Odgers the authority to tell Mr. Switzer he needed to hold off? It's very true, Mr. DeFelice, that you need to make your own decisions to be effective, not let Mr. Odgers run this City and run this meeting; that's what we elected this Board to do. Another case in point: Why was Mr. Odgers sharing with Ms. Gardner the plat map that represented Mr. Bouchard's abandonment? That's our City Engineer's job, that's what we pay him for, he's paid very well and he was here

to answer those questions. Kudos to Mr. Carson for bringing this to light because obviously, this County . . . I hope that I can say in 2020 I'll be willing to vote for any one of you that are up for election, but at the rate you're going, we're going to be taken over by the County. We aren't going to have any money because you guys can't get it together. So if that's the case after budgeting revenues, balancing them out with responsible spending . . . ; that's your job and I hope you can find the effective tools to get it done because if not, I'll be the one leading the charge to dis-incorporate the City before you take us down the road of bankruptcy.

Pat Stork stated Pat Stork , City resident, business owner. A lot of things came to light. Tony had a real good point. Kurt's got some good points. You guys need to do your homework on stuff. You guys went and wasted all that money over renting that building and where are you at now? Right back in the same place you've been; if you'd have took all that money and put it into this City Hall, you'd have been back there in half the time, twice as good as what it turned out. A lot of this happened with the past Council; a lot of it was Dale Derbidge ram rodding a lot of stuff. You guys need to do exactly what a few of you guys said, do your homework, pay attention and do a little more research on this stuff. There's a lot of reckless spending that's went on the last three years and Jolene, I talked to you about this over a year ago, telling you the budget's in trouble, you better look into it and what did you do? You ran to Bob and told him that I was telling everybody the City was broke because I went and had a conversation with Bob about it. I'm speaking as a taxpayer. You people need to wake up and start spending money wisely.

Linda Davis stated every one of you, with the exception of Kurt and maybe Tony, all need to go down the road. This attorney here thinks he runs the show; he don't run nothing. He should be working part time. He tells you what to do, when to do it, how to do it, why to do it, and if to do it. You guys ought to have him up here next in Bob's place and getting rid of him; he's worthless. You're all worthless.

Judge Coster stated I do know what's involved in getting ready for these meetings and I appreciate the service you put in. The last thing that should happen and I'm very upset because I like every one of you, is for anyone to call anyone in this room worthless or for that matter, on the sideline; it's a term that doesn't apply to people, that applies to policies or ideas. Every person here in their own way sets up for a meeting, makes phone calls – some are more heavily involved than others and some have special areas they're interested in – and I appreciate the work that goes into it by City Councilmen and by County Commissioners. As imperfect as it may be, the work you put in is appreciated. You're not doing it for the money any of you. There's a lot of criticism and appreciation should be shared once in awhile, as different as our views might be on stuff. Some people – not just me – know that a lot of work goes into attending the meetings, fielding the phone calls, reading the agendas, taking notes, etc.

George Chachas stated I'm glad some other people brought out concerns I've had for a long time. So when you folks think I'm the only angry taxpayer, I'm not. I heard you say you've got a degree in Public Administration?

Councilman Hanson stated correct.

George Chachas stated I'm disappointed. If that's the best you can do with what I've seen, you need to change, Sam. When I see our community going downhill, I'm hurt and angry. On Item 4-B regarding the Fair Labor law, you just adopted a \$15,000.00 possible expense; where are you going to get that? You're saving money by putting the elections off to the side. I don't want to put the elections aside. I want to get rid of some of you a lot sooner than you think. I've given you a list of things and not one item's been addressed. Going back to January 27, 2011, just on Home Occupations you're not collecting the proper fees. Let me quote one quick paragraph from Mr. Peeler: "I was on the Regional Planning Commission for approximately six years and in all that time the Regional Planning Commission never received either a list of computerized Home Occupation permits or notice that an up-to-date list existed. The reason given for its lack of completion was time and lack of money or assigning someone to put it together." Bull! When you issue that license, you have a record right there. You did away with the Home Occupation fees now. In the old ordinance, it was a yearly check; you failed to do that and you gave away some revenue. You can't read what's in your packet? If you're worried about inflation, all City employees that have raises should be two percent (2%); attach that to the CPI. What do you think

the Seniors are doing? They're struggling. They got a two percent raise, the government took it away for Medicare and then you guys want to chip away with them on everything else. You had a chance to pick up three percent (3%) from the Indians and you failed to do that, and yet you want to come back to us? It's not going to happen. Councilwoman Gardner, in a past meeting I asked how much you got paid - \$5,000.00 or \$10,000.00 - from the City of Ely for them to go on your property for whatever utility. Squandering money? I believe so.

12. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL.

Councilman Hanson moved to adjourn the regular City Council meeting at **8:58 p.m.**
Councilwoman Gardner seconded the motion. The motion carried unanimously.

MAYOR

ATTEST